

ORIGINAL

DOCKET FILE COPY ORIGINAL

RECEIVED

MAY 22 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

In re)
)
Advanced Television Systems and) RM-9260
Their Impact upon the Existing)
Television Broadcast Service)

TO: The Commission

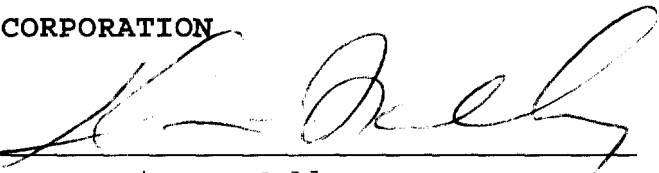
COMMENTS OF HOLSTON VALLEY BROADCASTING CORPORATION

Holston Valley Broadcasting Corporation (HVBC) hereby submits its Comments generally supportive of the proposals advanced by the Community Broadcasters Association in its ***Petition for Rulemaking*** seeking the establishment of a new "Class A" television service. Those Comments, prepared by HVBC's President George E. DeVault, Jr., are appended hereto.

Respectfully submitted,

**HOLSTON VALLEY BROADCASTING
CORPORATION**

By


Dennis J. Kelly
Its Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 6648
Annapolis, MD 21401
Telephone: 888-322-5291

May 22, 1998

No. of Copies rec'd
List A B C D E

4

MMB

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Advanced Television Systems and)
Their Impact upon the Existing)
Television Broadcast Service) RM-9260

COMMENTS OF HOLSTON VALLEY BROADCASTING CORPORATION

1. Holston Valley Broadcasting Corporation (Holston), licensee of low power television (LPTV) stations WAPK-LP (Channel 30; Kingsport, TN), WAPG-LP (channel 51; Greeneville, TN), WAPM-LP (Channel 9; Benham-Lynch, KY), and WAPW-LP (Channel 60; Abingdon-Washington County, VA), hereby submits its Comments on the Petition for Rulemaking (RM-9260) filed by the Community Broadcasters Association (CBA) seeking the creation of a new Class A television service under Part 74 of the Commission's rules. Holston vigorously supports the CBA proposals.

2. The four above-referenced LPTV stations operate as a network (of which WAPK-LP is the flagship station) serving the Bristol-Kingsport-Johnson City, (Tri-Cities), TN/VA market (Nielsen DMA Rank #93). Further references in this document to "WAPK" will actually be to this network as a whole.

3. Flagship station WAPK-LP, formerly W30AP, signed on in 1991, has operated 24 hours a day and presented hours of local programming each week since its inception.

4. In recent years "WAPK" has operated in almost every way like a full service television station and continues to do so. It is the United Paramount Network (UPN) affiliate for the Tri-City market. Its program listings appear in the Tri-Cities edition of TV Guide magazine and in all major local newspapers. Its ratings are reported in the industry standard Nielsen Station Index during the February, May, July, and November rating periods right along with those of the market's so-called "full service" stations.

5. "WAPK" is carried by some twenty-five area cable systems, and with the June 1 addition of the 13,500 subscriber Comcast system based at Glade Spring, Virginia, "WAPK" will reach some 175,000 cable-connected households. This represents essentially 100% of the cable homes in the eight county Tri-Cities metro as defined by Nielsen and some 80% of the cable-connected households in the larger Nielsen-defined Tri-Cities DMA (Designated Market Area).

6. "WAPK" currently presents four hours of local programming each week and will begin on June 8 an additional half hour local newscast each evening Monday through Friday at 10:00 bolstering its average locally-produced hours per week to six and one-half. "WAPK's" line-up of syndicated programming is typical of that of a typical UPN affiliate in a Top 100 market.

7. "WAPK" provides great public service to Tri-Cities area viewers. In addition to its local news, local public affairs programming, and public service announcements, throughout its history WAPK has produced and aired local special events originating from locations within the local television market area including parades, ball games, etc. For a number of years the station also aired meetings of the Kingsport Board of Mayor and Aldermen and the Johnson City City Commission.

8. The current secondary status of LPTV stations endangers both the service "WAPK" provides and the very significant financial investment Holston has made in "WAPK." As this document is being written Holston's consulting engineer is diligently searching for a new channel for "WAPK's" flagship station WAPK-LP, channel 30, Kingsport, because the digital assignment for one of the VHF stations in the nearby Knoxville, TN, market is channel 30. Similar studies are being conducted for WAPG-LP, WAPM-LP, and WAPW-LP, which Holston now believe will face similar displacement problems.

9. The establishment of primary status versus secondary status for qualifying LPTV stations like WAPK as proposed in the CBA's Petition will end the uncertainty about whether or not a qualifying LPTV licensee will be able to continue the operation of their stations. It will end the uncertainty of financial institutions to

which entrepreneurs usually must turn to provide the capital to construct and improve such stations. It will bring stability to an industry, which the Commission has nurtured for almost twenty years, but which the Commission's actions in establishing digital television (DTV) severely threaten.

10. Absent Commission rulemaking to allow conversion of qualifying LPTV stations to primary or Class A status such LPTV stations could continue to be subjected to further interference and/or displacement in the future as the Commission proceeds to auction for various purposes what is now spectrum exclusively devoted to television broadcasting.

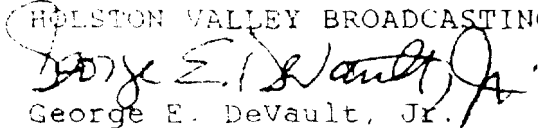
11. Some qualifying LPTV stations will likely find no place to move as a result of this first displacement. The Commission must act to make any displacements caused by DTV in the near future the last displacements qualifying surviving LPTV stations will experience.

12. Again Holston supports the proposals advanced by the CBA in this Petition for Proposed Rulemaking. In this otherwise unqualified support Holston does note an apparent error in CBA's revised Appendix A with regard to the proposed FCC Rules Part 73.627(d)(iv). Holston believes petitioner intended to propose that the effective radiated power (ERP) of Class A stations should be reduced if their respective heights above average terrain (HAAT)

exceeds 2,300 feet, not 2,300 meters. (An ERP of 500 kilowatts on a UHF channel at an HAAT of 2,300 meters would yield predicted coverage in excess of that which a full service station would be allowed to provide.)

Respectfully submitted,

HOLSTON VALLEY BROADCASTING CORPORATION


George E. DeVault, Jr.
President

May 22, 1998